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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013- 662

13 **CHARLENE SIMONE BLACKWOOD**
2272 Ridgewood Circle
Royal Palm Beach, FL 38411

A C C U S A T I O N

14 **Registered Nurse License No. 587530**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

- 19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
21 2. On or about September 19, 2001, the Board issued Registered Nurse License Number
22 587530 to Charlene Simone Blackwood ("Respondent"). The license expired on August 31,
23 2003, and has not been renewed.

24 **JURISDICTION**

- 25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
26 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
27 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
28 Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

(a) Unprofessional conduct.

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective September 28, 2010, pursuant to a Final Order approving and adopting a Settlement Agreement, attached hereto as **Exhibit A**, issued by the Florida Board of Nursing, in a disciplinary matter titled, *Department of Health v. Charlene Simone Blackwood, RN, Case No. 2009-12506*, Respondent's Registered Nurse License Number 9164750 was reprimanded and placed on probation for a period of one (1) year with terms and conditions. The Order was based on the following: While employed as an agency registered nurse and assigned to work at West Boca

1 Medical Center, located in Boca Raton, Florida, Respondent failed to document physician orders
2 for schedule II and III medications in patient medical records (Hydrocodone, Percocet, Dilaudid,
3 Versed), and failed to document the administration or wastage of medications in patient medical
4 records.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 587530, issued to
9 Charlene Simone Blackwood;

10 2. Ordering Charlene Simone Blackwood to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.

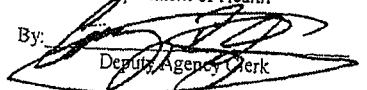
14 DATED: February 21, 2013

for Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-10-2253-S-MOA
FILED DATE - 9-28-10
Department of Health
By: 
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2009-12506
License No.: RN 9164750

CHARLENE SIMONE BLACKWOOD,

Respondent.

FINAL ORDER

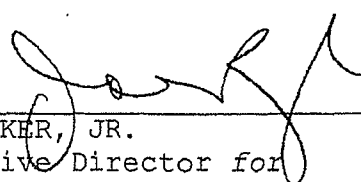
THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 6, 2010, in Tampa, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$2,135.04. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 27th day of Sept.,
2010.

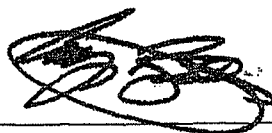
BOARD OF NURSING



JOE BAKER, JR.
Executive Director for
Jessie Colin, RN, PhD
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to CHARLENE SIMONE BLACKWOOD, c/o Monica Rodriguez, Esq., 9100 South Dadeland Blvd., Miami, FL 33156-7817; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, William Miller, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 28th day of September, 2010.



Deputy Agency Clerk

MAY-12-2010 06:53P FROM:

TO:13056709933

P. 5/8

**STATE OF FLORIDA
DEPARTMENT OF HEALTH****DEPARTMENT OF HEALTH,****Petitioner,****v.****CASE NO.: 2009-12506****CHARLENE SIMONE BLACKWOOD, R.N.,****Respondent.****SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a **REGISTERED NURSE** in the State of Florida holding license number **RN 9164750**.
2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456

Department of Health v. «Case_Name», et al. «Title»
Case Number «Case_Number»

48340

and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Board of Nursing shall reprimand the license of the Respondent.

2. The Respondent must pay an administrative fine in the amount of two hundred fifty dollars (\$250.00) and investigative costs not to exceed two thousand seven hundred thirty-three dollars (\$2,733.94) within three (3) years from the date of entry of the Final Order. However, if the Respondent is in the Intervention Project for Nurses (IPN), the payment is due prior to completion of IPN. If the Respondent's license is suspended by the terms of this agreement, the payment is due prior to the application for reinstatement of the license. If the Respondent is placed on probation, the payment is due prior to the completion of the probationary period. The Respondent has the responsibility to document financial hardship prior to

the due date of the payment. Payment must be by money order. Partial payments shall be accepted. Payment shall be made to the Board of Nursing and mailed to, Compliance Management Unit, Bln C76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

3. The Respondent shall enroll in and successfully complete a 16 sixteen hour course in Medication Administration. This shall be in addition to other normally required continuing education courses. Verification of course content and course completion must be submitted to the Nursing Compliance Officer within six (6) months from the date of this Order. The Board will retain jurisdiction for the purpose of enforcing continuing education requirements.

4. The license of CHARLENE SIMONE BLACKWOOD, R.N., is placed on probation for 1 year(s) subject to the following conditions:

- a. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.
- b. The Respondant must report any change in his/her address, telephone number, employment, employer's address or telephone number, or any arrests [or violations of probation or whatever impediment which may be on the license from another jurisdiction], in writing by certified mail within ten (10) working days to the Nursing Compliance Officer at the Department of Health, Client Services Unit, HMOAMS, BIN # C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251.
- c. Whether employed as a nurse or not, the Respondent shall submit written reports to the Nursing Compliance Officer at

the address provided in the previous paragraph, which contain the Respondent's name; license number; current address; current telephone number; the name, address, and telephone number of each current employer, whether employed as a nurse or not; and a statement by the Respondent describing his/her employment. This report shall be submitted to the Nursing Compliance Officer every three (3) months in a manner as directed by the Nursing Compliance Officer.

- d. All current and future settings in which the Respondent practices nursing shall be promptly informed of the Respondent's probationary status. Within five (5) days of the receipt of the Order adopting this Agreement, the Respondent shall furnish a copy to his/her nursing supervisor or supervisors, if there are multiple employers. The supervisor(s) must acknowledge this probation to the Board compliance officer in writing on employer letterhead within ten (10) days. Should the Respondent change employers, he/she must supply a copy of the Order adopting this Agreement to his/her supervisor within five (5) days. The new employer shall acknowledge the probation in writing on employer letterhead to the Board compliance officer within ten (10) days. The Respondent shall be responsible for assuring reports from the nursing supervisors will be furnished to the Nursing Compliance Officer every three (3) months. That report shall describe the Respondent's work assignment, workload, level of performance, and any problems that have occurred during that quarter. Any report indicating an unprofessional level of performance shall constitute a violation of this probation.
- e. If the Respondent leaves Florida for thirty (30) days or more or ceases to practice nursing in Florida, the term of probation shall be tolled until the Respondent returns to active practice of nursing in Florida. Then the probationary period will resume. Unless the Final Order adopting this Settlement Agreement expressly states otherwise, any and all fines and costs imposed, or continuing education required, are not tolled by this provision, and must be paid or completed within the time specified and are not tolled by this provision. Employer reports are not required during the time probation is tolled. Working in nursing without notification to the Board is a violation of this Order.

5. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

6. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

7. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to, and consideration of, this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

8. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order implementing same will in no way preclude

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Case Number eCase Number

48344

additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Agreement relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

9. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

10. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

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TO: 13056709933

P.118

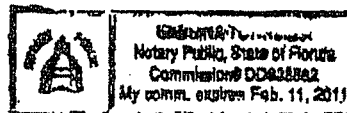
SIGNED this 12 day of May, 2010.

Charlene S. Blackwood
CHARLENE SIMONE BLACKWOOD, R.N.

Before me personally appeared Charlene S. Blackwood whose identity is known to be by FDL (type of identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this 12 day of May, 2010.

[Signature]
Notary Public

My Commission Expires: 2/11/11



APPROVED this 16th day of May, 2010

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

[Signature]
Counselor for Petitioner:
Anthonette Smith
Assistant General Counsel
FBN: 0615951
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, BIN #C-65
Tallahassee, Florida 32399-3285

[Signature]
Case Number: Case Number

48346

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No. 2009-12506

CHARLENE SIMONE BLACKWOOD, R.N.
Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against the Respondent, Charlene Simone Blackwood, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Complaint, Respondent was a registered nurse ("R.N.") within the state of Florida, having been issued license number RN 9164750.
3. Respondent's address of record is 7873 NW 60th Lane,

48328

Parkland, Florida 33067.

4. At all times material, Respondent was employed as an agency Registered Nurse and assigned to work at West Boca Medical Center (WBMC), located in Boca Raton, Florida.

5. At all times material, WBMC utilized the Omnicell automated medication storage and dispensing system. Omnicell securely stores and controls access to medications, including controlled substances. Each time a nurse removes a medication from Omnicell, the medication, amount, date removed, time removed, patient for whom the medication is intended, and the nurse removing the medication is recorded in the Omnicell computer.

6. When any medications, including controlled substances, are removed from Omnicell, the nurse must document the time the medication is administered to the patient on the Medication Administration Record ("MAR"). If a controlled substance is removed from Omnicell, but not administered to a patient, the controlled substance must be discarded (wasted) in the presence of a witness. The nurse wasting the controlled substance must document the waste in Omnicell. The witness also enters

his or her name into the Omnicell computer, attesting that he or she witnessed the waste. Anytime a dose of controlled substance administered to the patient is less than the dose removed from Omnicell, the unused portion of the drug must be discarded in the presence of a witness.

7. At all times material, Respondent worked in the emergency room department at WBMC.

Patient AP .

8. On or about April 3, 2009, Patient AP, a then thirty-nine (39) year-old male, was a patient in the emergency room at WBMC.

9. On or about April 3, 2009, Respondent was on duty in the emergency room of WBMC.

10. On or about April 3, 2009, at approximately 12:04 a.m., Respondent removed One Hydromet 10 ml cup from the Omnicell medication at WBMC and administered the medication to Patient AP. Respondent failed to document the physician's order for the medication in the patient medical record.

11. Hydromet is a combination product containing Hydrocodone and Homatropine Methylbromide. Hydrocodone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, hydrocodone

is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of hydrocodone may lead to severe psychological or physical dependence.

12. On or about April 3, 2009, at approximately 1:55 a.m., Respondent removed One Hydromet 10 ml cup from the Omnicell medstation at WBMC ostensibly for Patient AP, but failed to document the administration or waste of the medication in the patient's medical records.

Patient REC

13. On or about March 28, 2009, Patient REC, a then thirty-seven (37) year-old female, was a patient in the emergency room at WBMC.

14. On or about March 28, 2009, Respondent was on duty in the emergency room of WBMC.

15. On or about March 28, 2009, Respondent removed one (1) Percocet tablet from the Omnicell medstation at WBMC, ostensibly for Patient REC at one or more of the following times:

a. 12:08 a.m.; and

b. 12:09 a.m.

16. Percocet is the brand name for a drug that contains oxycodone, and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of oxycodone may lead to severe psychological or physical dependence.

17. On or about March 28, 2009, there was no documented physician's order for Percocet for Patient REC in the patient medical records.

18. On or about March 28, 2009, Respondent failed to document the administration or waste of the one (1) Percocet tablet removed for Patient REC in the patient's medical records at one or more of the following times:

- a. 12:08 a.m.; and
- b. 12:09 a.m.

Patient BA

19. On or about February 26, 2009, Patient BA, a then-eighty-eight (88) year-old female was being treated in the emergency room of WBMC.

Patient BA's had a physician's order for the following:

a. .5 mg of Dilaudid;

b. 2 mg of Versed.

20. Hydromorphone (brand name Dilaudid, opioid, Schedule II, metabolite of hydrocodone). Hydromorphone is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of hydromorphone may lead to severe psychological or physical dependence.

21. Versed is the brand name for the drug midazolam, a sedative commonly prescribed to provide sedation prior to a medical procedure. According to Section 893.03(4), Florida Statutes, midazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of midazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

22. On or about February 26, 2009, Respondent was on duty in the emergency room of WBMC.

23. On or about February 26, 2009, at approximately 7:41 p.m., Respondent removed a 2 ml syringe of Hydromorphone from the Omnicell medstation, ostensibly for Patient BA.

24. On or about February 26, 2009, Respondent documented that she administered .5 mg of Dilaudid to Patient BA at one or more of the following times:

- a. 7:51 p.m.,; and
- b. 8:33 p.m.

25. On or about February 26, 2009, Respondent failed to document a physician's order for the second dose of Dilaudid administered at 8:33 p.m.

26. On or about February 26, 2009, Respondent failed to document the administration or waste of the remaining 1 mg of Dilaudid removed from the Omnicell medstation ostensibly for Patient BA in the patient's medical records.

27. On or about February 26, 2009, at approximately 7:41 p.m., Respondent removed a 5mg/5ml vial of Versed ostensibly for Patient BA. Respondent documented that she administered 3 mg of the Versed to Patient BA.

28. On or about February 26, 2009, Respondent failed to document the administration or waste of 2mg of Versed removed from the Omnicell medstation in Patient BA's medical records.

29. Section 464.018(1)(h), Florida Statutes (2008), provides that unprofessional conduct, as defined by the board, constitutes grounds for discipline by the Florida Board of Nursing.

30. Rule 64B9-8.005(1)(a), F.A.C., states that unprofessional conduct shall include inaccurate recording.

31. Respondent engaged in inaccurate recording by removing various medications from the Omnicell medstation for Patient BA, Patient REC, and Patient AP, and failing to complete one or more of the following:

- a. failing to document the physician's orders for the medications in the patient medical records; and

- b. failing to document administration or waste of the medications removed in patient's medical records.

32. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2008), by engaging in unprofessional conduct as further defined by Rule 64B9-8.005(1)(a), Florida Administrative Code, to include inaccurate recording.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 9 day of March, 2010

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General



Anntionette Smith
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0615951
(850) 245 - 4640 Telephone
(850) 245 - 4683 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angela B. B. B.
DATE 3/11/10

PCP: 3/11/10

PCP Members:

Thurpatrick
Moby

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.